

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

767958
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In Re:

EDMOND THIBODEAU



Order Filed on January 8, 2018
by Clerk U.S. Bankruptcy Court
District of New Jersey

Case No: 15-19652 - JNP

Hearing Date: January 2, 2018

Judge: Jerrold N. Poslusny Jr.

Recommended Local Form:



Followed



Modified

ORDER RESOLVING OPPOSITION TO CERTIFICATION OF NON-PAYMENT

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

DATED: January 8, 2018

A handwritten signature in black ink, appearing to read "Jerrold N. Poslusny, Jr.", written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Applicant: WELLS FARGO BANK, N.A.
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC
Debtor's Counsel: BRAD J SPILLER, Esquire
Property Involved ("Collateral"): 225 WARREN AVENUE, BELLMAWR, NJ 08031

Relief sought: ☒ Certification of Non-Payment
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 6 months, from 07/01/2017 to 12/01/2017.

☒ The Debtor is overdue for 4 payments at \$1,490.20 per month.

☒ The Debtor is overdue for 2 payments at \$1,498.27 per month.

☐ The Debtor is assessed for _____ late charges at \$_____ per month.

☐ Applicant acknowledges suspense funds in the amount of \$7.12.

Total Arrearages Due \$8,950.22.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$8,950.22. Payment shall be made no later than 12/31/2017.

☒ Beginning on 01/01/2018, regular monthly mortgage payments shall continue to be made.

☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$_____ for _____ months.

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$_____ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment:

Wells Fargo Home Loans, Inc.
PO Box 14507
Des Moines, IA 50306

☒ Regular Monthly payment:

Wells Fargo Home Loans, Inc.
PO Box 14507
Des Moines, IA 50306

☐ Monthly cure payment:

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

Imaged Certificate of Notice Page 5 of 5

United States Bankruptcy Court
District of New JerseyIn re:
Amber Leah Thibodeau
DebtorCase No. 15-19652-JNP
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Jan 08, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 10, 2018.

db +Amber Leah Thibodeau, 225 Warren Ave, Bellmawr, NJ 08031-1729

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 10, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 8, 2018 at the address(es) listed below:

Andrew L. Spivack on behalf of Creditor WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com
 Andrew Thomas Archer on behalf of Debtor Amber Leah Thibodeau aarcher@brennerlawoffice.com,
 bankruptcy@brennerlawoffice.com;r64966@notify.bestcase.com
 Brad J. Spiller on behalf of Debtor Amber Leah Thibodeau bankruptcy@brennerlawoffice.com,
 aarcher@brennerlawoffice.com
 Denise E. Carlon on behalf of Creditor JPMORGAN CHASE BANK, N.A. dcarlon@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 Denise E. Carlon on behalf of Creditor JPMorgan Chase Bank, N.A. dcarlon@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
 Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
 summarymail@standingtrustee.com
 James Patrick Shay on behalf of Creditor WELLS FARGO BANK, N.A. james.shay@phelanhallinan.com
 John R. Morton, Jr. on behalf of Creditor JPMorgan Chase Bank, N.A. ecfmail@mortoncraig.com,
 mortoncraige@cf@gmail.com
 Nicholas V. Rogers on behalf of Creditor WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com
 Sherri J. Braunstein on behalf of Creditor WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com,
 nj.bkecf@fedphe.com

TOTAL: 11